

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Request for Review of the Decision of the	)	
Universal Service Administrator by	)	
	)	
Alabama Institute for the Deaf and Blind	)	File No. SLD-222433
Talladega, Alabama	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Changes to the Board of Directors of the	)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.	)	

**ORDER**

**Adopted: March 21, 2003**

**Released: March 24, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Alabama Institute for the Deaf and Blind (Alabama Institute), Talladega, Alabama, seeks review of a December 10, 2002 decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).<sup>1</sup> For a review of decisions by SLD issued on or after August 13, 2001, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision.<sup>2</sup> SLD informed Alabama Institute of its Funding Commitment Adjustment Decision in a letter dated June 4, 2002.<sup>3</sup> Alabama Institute filed its appeal on August 12, 2002, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

2. To the extent that Alabama Institute additionally asks us to waive our rules in this instance, we must deny its request.<sup>4</sup> Alabama Institute states that it did not file an appeal until

<sup>1</sup> Letter from Jessica Edmiston, Alabama Institute for the Deaf and Blind, to Federal Communications Commission, filed January 13, 2003 (Request for Review); Letter from the School and Libraries Division, Universal Service Administrative Company, to Jessica Edmiston, Alabama Institute for the Deaf and Blind, dated December 10, 2002; 47 C.F.R. § 54.719(c).

<sup>2</sup> 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (Com. Car. Bur. rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

<sup>3</sup> Letter from the School and Libraries Division, Universal Service Administrative Company, to Jessica Edmiston, Alabama Institute for the Deaf and Blind, dated June 4, 2002.

<sup>4</sup> 47 C.F.R. § 54.720(b).

after the 60 day period because it was advised by SLD staff that the issue had been resolved and that an appeal was unnecessary.<sup>5</sup> Waiver is appropriate only if special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.<sup>6</sup> Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.<sup>7</sup> We decline to grant relief on the basis of incorrect advice from SLD. Commission precedent establishes that where a party has received erroneous advice, the government is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly where relief is contrary to a rule.<sup>8</sup>

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by Alabama Institute for the Deaf and Blind, Talladega, Alabama on January 13, 2003, IS DISMISSED and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert  
Deputy Chief, Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>5</sup> Request for Review.

<sup>6</sup> 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>7</sup> *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

<sup>8</sup> *In re Mary Ann Salvatiello*, Memorandum Opinion and Order, 6 FCC Rcd 4705, 4707-8, para. 22 (1991) (citing *Office of Personnel Management v. Richmond*, 497 U.S. 1046 (1990)).